

Before the  
Federal Communications Commission  
Washington, DC 20554

In the Matter of Broadcast Localism

MB Docket No. 04-233

Comments of Alleycat Communications regarding FCC Broadcast Localism Initiatives

Alleycat Communications (permittee of stations KRKV and KVAR) is in agreement with the Commission that localism has suffered in recent years, primarily due to greatly increased consolidation of ownership and homogenization of network programming. We are however concerned that most of the proposals contained in FCC 07-218 will be counterproductive due to the costs of implementation, especially for small independent broadcasters, and result in less service to the public in most communities.

In not every case can the quality of service to a station's community of license be improved by relocating the main studio there. For example, increased operating costs of real estate, utilities, and other essential goods and services encountered in relocating a studio to a more upscale suburb may reduce the funds available for locally produced content, leading to the use of more network or prerecorded programming. Conversely, a forced relocation of the studio to an impoverished area lacking educational opportunities could make it difficult to attract talented and experienced staff, essential for creating informative programming. The best studio location can only be determined by considering these and many other factors, and station management should retain the flexibility to make this decision based on their knowledge of the unique pros and cons that apply to each station and the specific needs and resources of its community.

The same can be said for required 24 hour staffing of all stations. In principle, a station that is continuously staffed and open to the public could better understand community needs because someone is always there to meet with members of the public on a walk-in basis, and more staff would be available to produce live local shows. In reality, the costs incurred would be so great that most small locally-owned stations would simply choose to shut down at night, resulting in less, not more, service to the public. Nighttime advertising revenues are usually a small fraction of daytime sales, and many stations lose money or barely break even on their automated overnight programming. These stations are providing a valuable public service just by being there to entertain and inform loyal late night listeners. In areas where severe weather often comes at night, tragically unnecessary loss of life could result from the lack of dissemination of tornado

warnings due to stations having no choice but to discontinue unmanned overnight operations. Many people still do not have NOAA VHF weather radios and rely completely on the automated EAS at their local radio station to alert them in such emergencies. Although this system is not perfect, it is better than having no source of overnight emergency warning at all.

The cost impact would be most severe for noncommercial education stations operating as part of a network with main studio waivers. Many of these stations would be forced to shut down, since they would have to acquire suitable real estate in their community of license for a studio as well as paying local management and staff salaries every week. Although volunteers are often interested in working at NCE stations, many are inexperienced and only available during limited hours. Once again, the indirect result of this policy is less locally produced programming, not more. A small but significant number of towns across the country have an NCE station as their only local service, and the same lack of automated EAS warnings would result if they were forced to shut down, with the same potentially tragic results.

Although we agree that stations should be receptive to programming ideas and suggestions from diverse groups within the community, we do not feel that establishment of formal advisory boards is necessary to achieve this objective. Options currently available to anyone with an idea or opinion to share include visiting, writing, phoning, or emailing station management. Advisory boards are subject to manipulation and politicization, and may attract participation by individuals with conflicts of interest and ulterior motives whose intent is to weaken rather than strengthen the station and its programming. Any boards which are established should require that members have no media interests, either individually or among family members, and serve without compensation. Members should also be required to sign a nondisclosure agreement prohibiting the release of proprietary information which might be used to advantage by competing media outlets. Waivers should also be granted for stations which advertise publicly for persons interested in serving on such boards but are unable to attract any qualified candidates. The scope of the board should be limited to offering ideas for new programming, with no power to "veto" programming with which they do not agree. In fact, providing these boards with such powers would violate the station's right's to free speech under the United States Constitution. Likewise, the station should not be compelled to produce programs suggested by the board unless sponsors (or underwriters in the case of NCE stations) can be found who are willing to support the programs.

A much more productive way of increasing localism is to promote local ownership opportunities through an combination of band expansions, rule simplifications, and station purchase incentives for local residents. Proposals to expand the FM band to TV channels 5 and 6 (on a non-interference basis with post-transition DTV stations) after the DTV transition is complete should be enacted, with new facilities limited to Class A or less and initially open only to local new-entrant

applicants. Simplified procedures similar to LPFM rules should apply so engineers and attorneys are not needed to apply for fully spaced facilities. Simulcasting of other stations and use of networked programming (except for news, public affairs, and live events) should be prohibited. Local applicants wishing to purchase existing AM and nonreserved-band FM stations from group owners should have their application fees and regulatory fees waived if they agree to operate under this same restriction. Non-local owners of multiple stations should be offered a credit with the Commission towards future regulatory fee payments (or similar financial incentive) when they transfer their stations to qualified local purchasers.

In closing, more responsive local programming can be best achieved by increasing the number of small locally owned stations, not by placing costly new requirements on the big and small alike. The results of the proposed changes would have a huge negative impact on small businesses and NCE operations, and have quite the opposite of the effect upon localism that the Commission intends.

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